

DEPARTMENT OF STATE

VISA DIVISION

MEMORANDUM

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *Zook*

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EA OF FBI EMPLOYEES

To: CON - Mr. Flinn

From: VD - Mr. Travers

Subject: Problems in connection with The Admission of German Scientists into the United States.

The Visa Division has given considerable thought and study to the question of admitting into this country German Scientists and the matter is still under consideration by this Division. Some of the problems which arise for solution are as follows:

1. Adequate safeguards to insure that undesirable aliens will not be admitted. In order to guard the safety of the United States both at home and abroad, each alien should be subjected to the screening processes of this Department, the War and Navy Departments, the F.B.I. and other interested agencies. It is understood that CON has prepared a memorandum covering this aspect of the question.

2. Should the aliens be given non-immigrant or immigrant status. At the present time a procedure exists for the limited admission of German specialists by the War and Navy Departments for use in connection with military purposes. Such specialists are admitted in a status which is tantamount to protective and voluntary custody, making them subject to the control of the two Departments mentioned. They may be returned to Germany when the period of their usefulness is terminated.

Recently the Department has been petitioned by independent business concerns to facilitate the entry into this country of German specialists, e. g. graduate mechanical engineers with experience in the printing press industry, chemists in the field of reproducing engineering drawings, chemists experienced

in industrial

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in industrial and general food research. The "Institute for Advanced Study" has asked that an expert in Mathematics be admitted to become a member of the Institute and write a book on the arithmetic and analytic theory of quadratic forms. These are more or less illustrative cases of others which may be expected in view of the prevailing labor shortages in certain specialized fields in this country. It is also understood that certain government departments are anxious to obtain the services of certain selected German specialists.

Whether these aliens will be admitted as non-immigrants or immigrants involves primarily a question of policy. However, it is important to bear in mind that nonimmigrants are admitted temporarily, thus permitting a degree of control to be exercised over them during their stay in the United States. The penalty for the violation of their status would be deportation and they are under the jurisdiction of the immigration authorities for the purposes of reporting periodically etc., during their temporary stay here. It may be mentioned in this connection that it is understood that the immigration authorities are opposed to the aliens' coming as nonimmigrants.

Another alternative is to admit the aliens as immigrants, which is admission for permanent residence. An alien in such status is subject to no control by the immigration authorities outside of being required to report a change of residence and can be deported only if he has violated one of the deportation clauses in the immigration laws. Broadly speaking, deportation grounds are communistic activities prior to entry, the public charge clause, and the moral turpitude provisions, all of which furnish somewhat rigid criteria for deportation purposes. Thus, if some of the aliens turned out to be bad actors, their immigrant status would place upon the government the disadvantage of having the burden of showing they are within a deportable class.

3. Necessity of amending President's directive of December 22, 1941 concerning displaced persons. The Visa Division is of the opinion that there should be some express authority authorizing the Department to treat the aliens as favorably as displaced persons, so far as the allotment of visa numbers is concerned. In this connection, mention should be made of the aliens who are already in this country through the efforts of the War and Navy Departments and in their custody.

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Such aliens having been engaged in the furthering of our military purpose, should not be treated less favorably than those under consideration. Possibly the best way to accomplish the end desired is to amend the President's Directive making it possible to treat German specialists, both here and abroad, similarly and as favorably as displaced persons.

Howard K. Travers

VD:GSKnight:aeg

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